

PART 186—MULTIPLE DEVELOPMENT OF MINERAL DEPOSITS UNDER THE MINING AND MINERAL LEASING LAWS

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AUTHORITY: §§ 186.1 to 186.26 issued under R. S. 2478, as amended; 43 U. S. C. 1201. Interpret or apply sec. 1, 68 Stat. 708; 30 U. S. C. 521.

SOURCE: §§ 186.1 to 186.26 contained in Circular 1920, 20 F.R. 6128, Aug. 23, 1955; except as otherwise noted.

CROSS REFERENCES: Act of August 12, 1953 (67 Stat. 539, 30 U. S. C. 501-503); validating certain mining claims located subsequent to July 31, 1939, and prior to January 1, 1953; Atomic Energy Act of August 1, 1946 (60 Stat. 755, 42 U. S. C. 1801), as amended; act of October 20, 1914 (33 Stat. 741, 48 U. S. C.

432); acts of February 25, 1920 (41 Stat. 437, 30 U. S. C. 22, 48, 181), April 17, 1926 (44 Stat. 301, 30 U. S. C. 271-273), and February 7, 1927 (44 Stat. 1057, 30 U. S. C. 281-283), and all acts amendatory of and supplementary thereto known as the Mineral Leasing Acts. See Parts 191 to 196, inclusive, 198, and other appropriate sections of the regulations; also 30 U. S. C. sec. 22, U. S. Mining Laws—Part 185.

§ 186.1 Purposes and authority.

The act of August 13, 1954 (68 Stat. 708, 30 U.S.C. 521 et seq.), was enacted "To amend the mineral leasing laws and the mining laws to provide for multiple mineral development of the same tracts of public lands, and for other purposes." The regulations in this part are intended to implement only those sections of said act, hereinafter more fully identified, which require action by the Department of the Interior or its agencies. The expression "act" when used in this part, means the act of August 13, 1954 (68 Stat. 708). The expression "Leasing Act," when used in this part, refers to the "mineral leasing laws" as defined in section 11 of the act of August 13, 1954 (68 Stat. 708).

§ 186.2 Validation of certain mining claims.

The act in section 1(a) provides as follows:

That (a) subject to the conditions and provisions of this act and to any valid intervening rights acquired under the laws of the United States, any mining claim located under the mining laws of the United States subsequent to July 31, 1939, and prior to February 10, 1954, on lands of the United States, which at the time of location were—

(1) Included in a permit or lease issued under the mineral leasing laws; or

(2) Covered by an application or offer for a permit or lease which had been filed under the mineral leasing laws; or

(3) Known to be valuable for minerals subject to disposition under the mineral leasing laws,

shall be effective to the same extent in all respects as if such lands at the time of location, and at all times thereafter, had not been so included or covered or known: *Provided, however,* That, in order to be entitled to the benefits of this act, the owner of any such mining claim located prior to January 1, 1953, must have posted and filed for record, within the time allowed by the provisions of the act of August 12, 1953 (67 Stat. 539),¹ an amended notice of location as to such mining claim, stating that such notice

¹ Not later than December 10, 1953.

was filed pursuant to the provisions of said act of August 12, 1953, and for the purpose of obtaining the benefits thereof: *And provided further*, That in order to obtain the benefits of this act, the owner of any such mining claim located subsequent to December 31, 1952, and prior to February 10, 1954, not later than one hundred and twenty days after the date of enactment of this act,² must post on such claim in the manner required for posting notice of location of mining claims and file for record in the office where the notice or certificate of location of such claim is of record an amended notice of location for such claim, stating that such notice is filed pursuant to the provisions of this act, and for the purpose of obtaining the benefits thereof and, within said one hundred and twenty day period,² if such owner shall have filed a uranium lease application as to the tract covered by such mining claim, must file with the Atomic Energy Commission a withdrawal of such uranium lease application or, if a uranium lease shall have issued pursuant thereto, a release of such lease, and must record a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall have been filed for record.

§ 186.3 Preference mining locations.

The act in section 3 (a) and (b) provides as follows:

(a) Subject to the conditions and provisions of this Act and to any valid prior rights acquired under the laws of the United States, the owner of any pending uranium lease application or of any uranium lease shall have, for a period of one hundred and twenty days after the date of enactment of this act,² as limited in subsection (b) of this section 3, the right to locate mining claims upon the lands covered by said application or lease.

(b) Any rights under any such mining claim so hereafter located pursuant to the provisions of subsection (a) of this section 3 shall be subject to any rights of the owner of any mining claim which was located prior to February 10, 1954, and which was valid at the date of the enactment of this act or which may acquire validity under the provisions of this act. As to any lands covered by a uranium lease and also by a pending uranium lease application, the right of mining location under this section 3, as between the owner of said lease and the owner of said application, shall be deemed as to such conflict area to be vested in the owner of said lease. As to any lands embraced in more than one such pending uranium lease application, such right of mining location, as between the owners of such conflicting applications, shall be deemed to be vested in the owner of the prior application. Priority

of such an application shall be determined by the time of posting on a tract then available for such leasing of a notice of lease application in accordance with paragraph (c) of the Atomic Energy Commission's Domestic Uranium Program Circular 7 (10 CFR 60.7 (c)) provided there shall have been timely compliance with the other provisions of said paragraph (c) or, if there shall not have been such timely compliance, then by the time of the filing of the uranium lease application with the Atomic Energy Commission. Any rights under any mining claim located under the provisions of this section 3 shall terminate at the expiration of thirty days after the filing for record of the notice or certificate of location of such mining claim unless, within said 30-day period, the owner of the uranium lease application or uranium lease upon which the location of such mining claim was predicated shall have filed with the Atomic Energy Commission a withdrawal of said application or a release of said lease and shall have recorded a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall be of record.

§ 186.4 Additional evidence required with application for patent.

All questions between mining claimants asserting conflicting rights of possession under mining claims, must be adjudicated in the courts. Any applicant for mineral patent, who claims benefits under sections 1 or 3 of this act, or the act of August 12, 1953, supra, in addition to matters required in Part 185 of this title, must file with his Application for Patent a certified copy of each instrument required to have been recorded as to his mining claim in order to entitle it to such benefits unless an Abstract of Title or Certificate of Title filed with the Application for Patent shall set forth said instruments in full. If a mining claim was located on or after the date of this act a statement must be filed showing that on the date of location the lands affected were not covered by a uranium lease or an application for a uranium lease. The applicant must also file a copy of the notice required to be posted on the claim and state in his application that such notice was duly posted in accordance with the requirements of the act.

§ 186.5 Reservation to United States of Leasing Act minerals.

Section 4 of the act provides that:

Every mining claim or millsite—

(1) Heretofore located under the mining laws of the United States which shall be entitled to benefits under the first three sections of this Act; or

² Not later than December 11, 1954.

(2) Located under the mining laws of the United States after the effective date of passage of this act, shall be subject, prior to issuance of a patent therefor, to a reservation to the United States of all Leasing Act minerals and of the right (as limited in section 6 hereof)* of the United States, its lessees, permittees, and licensees to enter upon the land covered by such mining claim or millsite and to prospect for, drill for, mine, treat, store, transport, and remove Leasing Act minerals and to use so much of the surface and subsurface of such mining claim or millsite as may be necessary for such purposes, and whenever reasonably necessary, for the purpose of prospecting for, drilling for, mining, treating, storing, transporting, and removing Leasing Act minerals on and from other lands; and any patent issued for any such mining claim or millsite shall contain such reservation as to, but only as to, such lands covered thereby which at the time of the issuance of such patent were—

(a) Included in a permit or lease issued under the mineral leasing laws; or

(b) Covered by an application or offer for a permit or lease filed under the mineral leasing laws; or

(c) Known to be valuable for minerals subject to disposition under the mineral leasing laws.

§ 186.6 Mining claims and millsites located on Leasing Act lands after August 13, 1954.

Since enactment of the act on August 13, 1954, and subject to its conditions and provisions, including the reservation of Leasing Act minerals to the United States as provided in section 4, mining claims and millsites may be located under the mining laws of the United States on lands of the United States which at the time of location are—

(a) Included in a permit or lease issued under the mineral leasing laws; or

(b) Covered by an application or offer for a permit or lease filed under the mineral leasing laws; or

(c) Known to be valuable for minerals subject to disposition under the mineral leasing laws;⁴

to the same extent in all respects as if such lands were not so included or covered or known.

* Section 6 of the act defines rights and obligations where the same lands are being used for mining operations and Leasing Act operations.

⁴ This is inclusive of lands in petroleum reserves, except Naval petroleum reserves.

§ 186.7 Acquisition of Leasing Act minerals in lands covered by mining claims and millsites.

The Leasing Act minerals in lands covered by mining claims and millsites located after the date of the act or validated pursuant to the act may be acquired under the mineral leasing laws, upon appropriate application therefor being filed prior to the issuance of patent to such mining claims or millsites, or after the issuance of patent, if the patent contains a reservation of Leasing Act minerals to the United States as provided in section 4 of the act.

§ 186.8 Procedure to determine claims to Leasing Act minerals under unpatented mining locations.

Section 7 of the act provides a procedure whereby a Leasing Act applicant, offeror, permittee or lessee may have determined the existence and validity of claims to Leasing Act minerals asserted under unpatented mining locations made prior to August 13, 1954, affecting lands embraced within such application, offer, permit or lease. This procedure is described in the succeeding §§ 186.9 to 186.20, inclusive, and involves the prior recording of notice of such application, offer, permit or lease and the filing of a request for publication of notice of the same as provided in §§ 186.9 and 186.10.

§ 186.9 Recordation of notice of application, offer, permit or lease.

(a) Not less than 90 days prior to the filing of such request for publication, there must have been filed for record in the county office of record for each county in which lands covered thereby are situated, a notice of the filing of the application or offer, or of the issuance of the permit or lease, upon which said request for publication is based. Such notice must set forth the date of the filing of such application or offer or of the issuance of such permit or lease, the name and address of the applicant, offeror, permittee or lessee, and the description of the lands covered by such application, offer, permit or lease, showing the section or sections of the public land surveys which embrace such lands, or, if such lands are unsurveyed, either the section or sections which would probably embrace such lands when the public land surveys are extended to such lands, or a tie by courses and distances

to an approved United States mineral monument.

(b) Such notice should conform to Form No. 1 and No. 1-A appended to the regulations in this part.⁵

§ 186.10 Request for publication of notice of Leasing Act filing; supporting instruments.

(a) Having complied with the requirement of § 186.9, the applicant, offeror, permittee or lessee may file a Request for Publication of notice of such party's application, offer, permit or lease. Such request for publication shall be filed in the Land Office of the Bureau of Land Management for the Land District in which the lands are situated.⁶ As to lands in States for which there are no Land Offices, any request for publication shall be filed with the Director of the Bureau of Land Management, Department of the Interior, Washington 25, D.C. No Request for Publication, or publication, may include lands in more than one Land District.

(b) Any Request for Publication should conform to Form No. 2 appended to the regulations in this part.⁵

(c) The filing of a Request for Publication must be accompanied by the following:

(1) A certified copy of the Notice of Application, offer, permit or lease recorded as required under § 186.9, setting forth the date of recordation thereof. The date of recordation shall be presumed to have been the date when the notice was filed for record pursuant to § 186.9, unless the certified copy of the notice shows otherwise or is accompanied by an affidavit of the person filing the request for publication showing that the notice was filed for record on a date prior to the date of recordation.

(2) An affidavit or affidavits of a person or persons over 21 years of age, setting forth that the affiant or affiants have examined the lands involved in a reasonable effort to ascertain whether any person or persons were in actual possession of or engaged in the working

of the lands covered by such request or any part thereof. If no person or persons were found to be in actual possession of or engaged in the working of said lands or any part thereof, on the date of such examination, such affidavit or affidavits shall set forth such fact. If any person or persons were so found to be in actual possession or engaged in such working on the date of such examination, such affidavit or affidavits shall set forth the name and address of each such person unless the affiant shall have been unable, through reasonable inquiry, to obtain information as to the name and address of such person; in which event, the affidavit or affidavits shall set forth fully the nature and the results of such inquiry.

(3) The certificate of a title or abstract company, or of a title abstractor, or of an attorney, based upon such company's, abstractor's or attorney's examination of the instruments affecting the lands involved, of record in the public records of the county in which said lands are situate as shown by the indices of the public records in the county office of record for said county, setting forth the name of any person disclosed by said instruments to have an interest in said lands under any unpatented mining claim located prior to enactment of the Act on August 13, 1954, together with the address of such person if disclosed by such instruments of record. Such certificate shall conform to Form No. 3 appended to the regulations in this part.⁵

(4) A nonrefundable \$10 remittance to cover service charge.

[Circ. 1920, 20 F.R. 6128, Aug. 23, 1955, as amended, Circ. 2085, 27 F.R. 8546, Aug. 25, 1962]

§ 186.11 Publication of request.

(a) Upon receipt of a Request for Publication and accompanying instruments, if all is found regular, the Manager, or the Director, as may be appropriate, at the expense of the requesting person (who prior to the commencement of publication must furnish the agreement of the publisher to hold such requesting person alone responsible for charges of publication), shall cause notice of the application, offer, permit or lease to be

⁵ Any notices heretofore filed, which substantially comply to the requirements of the law, will be considered valid.

⁶ In this connection, the Land Office for North Dakota and South Dakota is located at Billings, Montana; that for Nebraska and Kansas, at Cheyenne, Wyoming; and for Oklahoma, at Santa Fe, New Mexico.

published in a newspaper, to be designated by the Manager, or the Director, as may be appropriate, having general circulation in the county in which the lands involved are situated.

(b) If such notice is published in a daily paper, it shall be published in the Wednesday issue for 9 consecutive weeks, or, if in a weekly paper, in 9 consecutive issues, or, if in a semi-weekly or tri-weekly paper, in the issue of the same day of each week for 9 consecutive weeks.

§ 186.12 Contents of published notice.

(a) The notice to be published as required by the preceding section, shall describe the lands covered by the application, offer, permit or lease in the same manner as is required under § 186.9. Such published notice shall notify whomever it may concern, that if any person claiming or asserting under, or by virtue of, any unpatented mining claim located prior to enactment of the act of August 13, 1954, any right or interest in Leasing Act minerals as to such lands or any part thereof, shall fail to file in the office where such Request for Publication was filed (which office shall be specified in such notice), and within 150 days from the date of the first publication of such notice (which date shall be specified in such notice), a verified statement which shall set forth, as to such unpatented mining claim:

(1) The date of location;

(2) The book and page of recordation of the notice or certificate of location;

(3) The section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument;

(4) Whether such claimant is a locator or purchaser under such location; and

(5) The name and address of such claimant and names and addresses so far as known to the claimant of any other person or persons claiming any interest or interests in or under such unpatented mining claim: such failure shall be conclusively deemed (i) to constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such min-

ing claim as to, but only as to, Leasing Act minerals, and (ii) to constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation of Leasing Act minerals specified in section 4 of the act, and (iii) to preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act mineral by reason of such mining claim.

(b) Such published notice should conform to Form 4 appended to the regulations in this part.⁵

§ 186.13 Mailing of copies of published notice.

Within fifteen days after the date of first publication, the person requesting such publication shall:

(a) Cause a copy of such notice to be personally delivered to or to be mailed by registered mail addressed to each person in possession or engaged in the working of the land whose name and address is shown by the affidavit or affidavits of examination of the land filed, as set forth in § 186.10;

(b) Cause a copy of such notice to be personally delivered to or to be mailed by registered mail addressed to each person who may, on or before the date of first publication, have filed for record, as to any lands described in the published notice, a Request for Notices, as provided in subsection (d) of section 7 of the act (see § 186.21);

(c) Cause a copy of such notice to be mailed by registered mail to each person whose name and address is set forth in the certificate required to be filed under § 186.10, and

(d) File in the office where the Request for Publication was filed an affidavit that copies have been delivered or mailed as herein specified. Notwithstanding the requirements in paragraphs (a), (b) and (c) of this section, not more than one copy of such notice need be delivered or mailed to the same person.

§ 186.14 Service of copies; failure to comply.

If any applicant, offeror, permittee or lessee requesting publication of notice under these regulations shall fail to com-

⁵ Any notices heretofore filed, which substantially comply to the requirements of the law, will be considered valid.

ply with the requirements of section 7 (a) of the act as to a personal delivery or mailing of a copy of the published notice to any person, the publication of such notice shall be deemed wholly ineffectual as to that person or as to the rights asserted by that person and the failure of that person to file a verified statement, as provided in such notice shall in no manner affect, diminish, prejudice or bar any rights of that person.

§ 186.15 Proof of publication.

After the period of newspaper publication has expired, the person requesting publication shall obtain from the office of the newspaper of publication, a sworn statement^{*} that the notice was published at the time and in accordance with the requirements under these regulations of this part, and shall file such sworn statement in the office where the Request for Publication was filed.

§ 186.16 Failure of mining claimant to file verified statement.

If any claimant under any unpatented mining claim located prior to enactment of the act on August 13, 1954, which embraces any of the lands described in any notice published in accordance with the regulations in this part shall fail to file a verified statement, as specified in such published notice (see § 186.12), within one hundred and fifty days from the date of the first publication of such notice, such failure shall be conclusively deemed, except as otherwise provided in § 186.14:

(a) To constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and

(b) To constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation of Leasing Act minerals specified in section 4 of the act (see § 186.5), and

(c) To preclude thereafter any assertion by such mining claimant of any

right or title to or interest in any Leasing Act minerals by reason of such mining claim.

§ 186.17 Hearing; time and place.

If any verified statement shall be filed by a mining claimant as contemplated under § 186.12, then the Manager of the Land Office, or the Director, as may be appropriate, shall fix a time and place for a hearing to determine the validity and effectiveness of the mining claimant's asserted right or interest in Leasing Act minerals. Such place of hearing shall be in the county where the lands in question, or part thereof, are located, unless the mining claimant agrees otherwise.

§ 186.18 Stipulation between parties.

If at any time prior to a hearing the person requesting publication of notice and any person filing a verified statement pursuant to such notice shall so stipulate, then to the extent so stipulated, but only to such extent, no hearing shall be held with respect to rights asserted under that verified statement, and to the extent defined by the stipulation the rights asserted under that verified statement shall be deemed to be unaffected by the notice published pursuant to that request.

§ 186.19 Hearing; procedure.

The procedures with respect to notice of such hearing and the conduct thereof, and in respect to appeals, shall follow the provisions of Appeals and Contests of the Department of the Interior and the Bureau of Land Management (Part 221 of this title) relating to contests or protests affecting public lands of the United States.

§ 186.20 Effect of decision affirming a mining claimant's rights.

If, pursuant to a hearing held as provided in the regulations of this part, the final decision rendered in the matter shall affirm the validity and effectiveness of any mining claimant's right or interest under a mining claim as to Leasing Act minerals, then no subsequent proceedings under section 7 of the act and the regulations of this part shall have any force or effect upon the so-affirmed right or interest of such mining claimant under such mining claim.

^{*} 18 U. S. C. 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

§ 186.21 Recording by mining claimant of request for copy of notice.

(a) Section 7(d) of the act provides that:

Any person claiming any right in Leasing Act minerals under or by virtue of any unpatented mining claim heretofore located and desiring to receive a copy of any notice of any application, offer, permit, or lease which may be published as above provided in subsection (a) of this section 7, and which may affect lands embraced in such mining claim, may cause to be filed for record in the county office of record where the notice or certificate of location of such mining claim shall have been recorded, a duly acknowledged request for a copy of any such notice.⁵ Such request for copies shall set forth the name and address of the person requesting copies and shall also set forth, as to each mining claim under which such person asserts rights in Leasing Act minerals:

- (1) The date of location;
- (2) The book and page of the recordation of the notice or certificate of location; and
- (3) The section or sections of the public land surveys which embrace such mining claim; or, if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument.

Other than in respect to the requirements of subsection (a) of this section 7 as to personal delivery or mailing of copies of notices and in respect to the provisions of subsection (e) of this section 7, no such request for copies of published notices and no statement or allegation in such request and no recordation thereof shall affect title to any mining claim or to any land or be deemed to constitute constructive notice to any person that the person requesting copies has, or claims, any right, title, or interest in or under any mining claim referred to in such request.

(b) Any request for a copy of notices recorded pursuant to the foregoing section 7 (d) of the act, should conform to Form No. 6, appended to the regulations in this part.⁶

§ 186.22 Relinquishment by mining claimant of Leasing Act minerals.

Section 8 of the act provides that:

The owner or owners of any mining claim heretofore located may, at any time prior to issuance of patent therefor, waive and re-

linquish all rights thereunder to Leasing Act minerals. The execution and acknowledgment of such a waiver and relinquishment by such owner or owners and the recordation thereof in the office where the notice or certificate of location of such mining claim is of record shall render such mining claim thereafter subject to the reservation referred to in section 4 of this Act and any patent issued therefor shall contain such a reservation, but no such waiver or relinquishment shall be deemed in any manner to constitute any concession as to the date of priority of rights under said mining claim or as to the validity thereof.

§ 186.23 Helium Reserves Nos. 1 and 2; conditions of opening to mining location and mineral leasing.

(a) Section 9 of the act provides that:

Lands withdrawn from the public domain which are within (a) Helium Reserve Numbered 1, pursuant to Executive Orders of March 21, 1924, and January 28, 1926, and (b) Helium Reserve Numbered 2 pursuant to Executive Order 6184 of June 26, 1933, shall be subject to entry and location under the mining laws of the United States, and to permit and lease under the mineral leasing laws, upon determination by the Secretary of the Interior, based upon available geologic and other information, that there is no reasonable probability that operations pursuant to entry or location of the particular lands under the mining laws, or pursuant to a permit or lease of the particular lands under the Mineral Leasing Act, will result in the extraction or cause loss or waste of the helium-bearing gas in the lands of such reserves: *Provided*, That the lands shall not become subject to entry, location, permit, or lease until such time as the Secretary designates in an order published in the *FEDERAL REGISTER*: *And provided further*, That the Secretary may at any time as a condition to continued mineral operations require the entrymen, locator, permittee, or lessee to take such measures either above or below the surface of the lands as the Secretary deems necessary to prevent loss or waste of the helium-bearing gas.

(b) No mining location made and no application for permit or lease filed as to Helium Reserve land prior to the time of opening specified in the notice of opening published in the *FEDERAL REGISTER* will confer any rights on the locator or applicant.

§ 186.24 Fissionable source materials; elimination of reservation in patents, etc.

Section 10(c) of the act in its amendment of section 5(b) 7 of the Atomic Energy Act of 1946 (60 Stat. 755), eliminated the requirement for a reservation of fissionable source materials in

⁵ Any notices heretofore filed, which substantially comply to the requirements of the law, will be considered valid.

⁶ See § 186.13 (b).

patents, conveyances, leases, permits or other authorizations as to public lands or their mineral resources granted by the United States after August 1, 1946, and provided that in cases where any patent, conveyance, lease, permit or other authorization has been issued which reserved to the United States fissionable source materials and the right to enter upon the land and prospect for, mine and remove the same, the head of the department or agency which issued the patent, conveyance, lease, permit or other authorization shall, on application of the holder thereof, issue a new or supplemental patent, conveyance, lease, permit or other authorization without such reservation. The provisions of said section 10 (c) are reenacted in section 68 (c) of the Atomic Energy Act of 1954 (68 Stat. 921, 934).

§ 186.25 Elimination of fissionable source materials reservations.

(a) Any person who holds a patent, conveyance, lease, permit or other authorization issued by the Department of the Interior through the Bureau of Land Management, with a fissionable source material reservation to the United States pursuant to section 5 (b) 7 of the Atomic Energy Act of 1946, prior to its amendment above referred to, and who is desirous of having such reservation eliminated from the patent, conveyance, lease, permit or other authorization, must file an application therefor in the Land Office of the Bureau of Land Management for the Land District in which the lands involved are situate.* As to lands in States for which there are no Land Offices, such application must be filed with the Director of the Bureau of Land Management, Washington 25, D. C.

(b) Such an application must set forth the name and address of the applicant, must fully identify the instrument from which elimination of such reservation is sought, by serial number, date, name of patentee, grantee, lessee, permittee or other designated recipient of authorization, and must set forth the description of the lands to which the application relates.

(c) If the application is for a new or supplemental patent or other conveyance, the applicant must file with and

in support of the application, an abstract of title certified by a duly authorized and licensed abstractor of titles, or a certificate of title certified by a duly authorized and licensed title company, certified in either instance to a date inclusive of the date of the filing of such application and showing the applicant to be the holder and owner, as to the lands covered by the original patent, or conveyance. The successor to any original lease, permit or holder of other authorization is shown by the records of the Bureau of Land Management. Any new or supplemental patent, conveyance, lease, permit or other authorization, issued pursuant to such application, will be issued in the name of the applicant.

(d) If, as to any lands covered by a patent containing a fissionable source material reservation, any rights have been granted by the United States pursuant to such reservation, then any new or supplemental patent shall be made subject to those rights, but the patentee shall be subrogated to the rights of the United States.

(e) An application for a new or supplemental lease, permit or other authorization, must be filed by the record holder and owner of such lease, permit or other authorization as shown by the records of the Bureau of Land Management.

(f) If the application (and supporting abstract of title or title certificate, where required) be found to comply with the regulations, in this part, the Manager of the Land Office, will:

(1) Where the application is for a new or supplemental patent or conveyance, transmit the application, including the supporting abstract or title certificate, to the Director of the Bureau of Land Management for appropriate action; or

(2) Where the application is for a new or supplemental lease, permit or other authorization, forward to the applicant a supplement to and modification of the lease or permit or other authorization setting forth that the fissionable source material reservation of the original lease, permit or other authorization is thereby eliminated from said original lease, permit or other authorization insofar as it relates to the land covered by the application. No execution by an applicant of a so-issued supplemental and modification instrument shall be required.

(g) Appropriate notation shall be made upon the records of the Land Office

*In this connection, the Land Office for North Dakota and South Dakota is located at Billings, Montana; that for Nebraska and Kansas, at Cheyenne, Wyoming; and for Oklahoma, at Santa Fe, New Mexico.

in which any application was filed of the issuance pursuant thereto of a new or supplemental patent, conveyance, lease, permit or other authorization.

§ 186.26 Mining locations for fissionable source materials.

(a) In view of the amendment of section 5(b) 7 of the Atomic Energy Act of 1946 by section 10(c) of the act of August 13, 1954 (68 Stat. 708), and of the provisions of the Atomic Energy Act of 1954 (68 Stat. 921), it is clear that after enactment of said act of August 13, 1954, valid mining locations under the mining laws of the United States may be based upon a discovery of a mineral deposit which is a fissionable source material.

(b) As to mining locations made prior to the enactment of said act of August 13, 1954, section 10 (d) of the act provides:

(d) Notwithstanding the provisions of the Atomic Energy Act, and particularly sec. 5 (b) (7) thereof, prior to its amendment hereby, or the provisions of the act of August 12, 1953 (67 Stat. 539), and particularly sec. 3 thereof, any mining claim, heretofore located under the mining laws of the United States for or based upon a discovery of a mineral deposit which is a fissionable source material and which, except for the possible contrary construction of said Atomic Energy Act, would have been locatable under such mining laws, shall, insofar as adversely affected by such possible contrary construction, be valid and effective, in all respects to the same extent as if said mineral deposit were a locatable mineral deposit other than a fissionable source material.

Form No. 1 (see § 186.9)

NOTICE OF FILING OF *APPLICATION, *OFFER To whomever it may concern:

Notice is hereby given:

1. That on _____, the undersigned _____ (Date) _____ *applicant, *offeror _____ whose address is _____ filed in the Land Office of the Bureau of Land Management, Department of the Interior, at _____ an *application, *offer (Place) _____ for _____ *prospecting permit, (Kind) _____ *lease under and pursuant to the mineral leasing laws as defined in Section 11 of the

*Use appropriate term.

Act of August 13, 1954 (68 Stat. 708) (designated in said Land Office as Serial _____), and

2. That said *application, *offer covers lands in the County of _____, State of _____, described as follows, to wit: Township _____, Range _____, _____ Meridian.

(Describe in conformity with requirements of section 7 (a) of act of August 13, 1954 (68 Stat. 708; see 43 CFR 186.9).)

Dated _____

(*Applicant, *offeror)

NOTE: Append proper acknowledgment for individual, or for officer or other authorized representative of corporation, in compliance with the laws of the State where the lands are situated.

Form No. 1-A (see § 186.9)

NOTICE OF ISSUANCE OF *PROSPECTING PERMIT, *LEASE

To whomever it may concern:

Notice is hereby given:

1. That on _____ there was (Date) _____ issued by the United States of America under and pursuant to the mineral leasing laws as defined in Section 11 of the Act of August 13, 1954 (68 Stat. 708), *a, *an (Kind) _____ effective _____, *prospecting permit, *lease to _____ (Name of original permittee or lessee) _____ as *permittee, *lessee, and that the undersigned _____ whose address (Name) _____

is _____ is the present *permittee, *lessee under said *permit, *lease as to the lands described in section 2 of this notice, bearing Serial No. _____, as shown by the records of the Bureau of Land Management, Department of the Interior; and

2. That said *permit, *lease covers lands in the County of _____, State of _____, described as follows, to wit: Township _____, Range _____, _____ Meridian.

(Describe in conformity with requirements of section 7 (a) of act of August 13, 1954 (68 Stat. 708; see 43 CFR 186.9).)

Dated _____

(*Permittee, *lessee)

NOTE: Append proper acknowledgment for individual or for officer or other authorized representative of corporation, in compliance with the laws of the State where the lands are situated.

*Use appropriate term.

Form No. 2 (see § 186.10)

REQUEST FOR PUBLICATION OF NOTICE OF APPLICATION, OFFER, PERMIT, OR LEASE PURSUANT TO SECTION 7 OF THE ACT OF AUGUST 13, 1954 (68 STAT. 708)

To the Manager of the Land Office
of the Bureau of Land Management,
Department of the Interior: ¹

(City and State)

Pursuant to the provisions of section 7 of the act of August 13, 1954 (68 Stat. 708), and to the applicable regulations thereunder (43 CFR 186.5), the undersigned -----

(Name)

whose address is ----- being the *applicant, *offeror in the *application, *offer hereinafter described *permittee, *lessee under *permit, *lease hereby requests that notice of such *application, *offer, *permit, *lease be published as provided in section 7 of said act and said applicable regulations thereunder.

#1. On ----- the undersigned -----
(Date)

signed filed in the Land Office of the Bureau of Land Management, Department of the Interior, at ----- an *application, *offer for -----

(Place)

*prospecting permit, *lease under and pursuant to the mineral leasing laws as defined in section 11 of the act of August 13, 1954 (68 Stat. 708), (designated in said Land Office as Serial -----).

#1. On ----- there was
(Date)

issued by the United States of America under and pursuant to the mineral leasing laws as defined in section 11 of the act of August 13, 1954 (68 Stat. 708), *a, *an ----- *prospecting permit, *lease to -----

(Name of original permittee or lessee)
as *permittee, *lessee.

The undersigned is the present *Permittee, *lessee under said *Permit, *lease: bearing Serial ----- as to the lands described in -----

*Use appropriate term.

#Use appropriate paragraph No. 1.

In this connection, the Land Office for North Dakota and for South Dakota is located at Billings, Montana; that for Nebraska and Kansas at Cheyenne, Wyoming; and for Oklahoma, at Santa Fe, New Mexico.

Where there is no land office for the State in which the lands are located, requests should be filed with the Director of the Bureau of Land Management, Department of the Interior, Washington 25, D.C.

section 2 of this request, as shown by the records of the Bureau of Land Management, Department of the Interior.

2. Said *Application, *offer, *permit, *lease covers lands in the County of -----, State of -----, described as follows, to wit: Township -----, Range -----, Meridian.

(Describe in conformity with requirements of section 7 (a) of act of August 13, 1954 (68 Stat. 708; see 43 CFR 186.9).)

3. The undersigned has heretofore complied with the requirements of section 7 (a) of said act of August 13, 1954, and of 43 CFR section 186.9 regarding the filing for record, not less than ninety (90) days prior to the filing of this Request for Publication of notice, of the *filing of said Application/Offer, *issuance of said Prospecting Permit/Lease.

In compliance with section 7 (a) of said act of August 13, 1954, and 43 CFR 186.10, there is enclosed herewith a certified copy of said recorded notice, together with an affidavit(s) of examination of the lands involved and a certificate based upon examination of the instruments of record affecting the lands involved.

4. The undersigned agree(s) to pay the entire cost of the publication herein requested in such newspaper as you may designate as the medium for such publication, and the undersigned agree(s) prior to commencement of such publication, upon receipt from you of the name and address of the newspaper so designated, to furnish the agreement of the publisher of such newspaper to hold the undersigned alone responsible for the charges of publication.

Dated -----

(*Applicant, *offeror,
*permittee, *lessee)

Form No. 3 (See § 186.10)

CERTIFICATE

The undersigned hereby certifies that:

#1. *It, *he, *she is a duly qualified and licensed *Title Company, *Abstract Company, *Title Abstractor.

#1. *He, *she is an attorney admitted to practice law in one or more of the states in the United States of America.

2. *It, *he, *she has examined the instruments affecting the hereinafter described lands, of record in the public records of the county in which the lands are situate as shown by the indices of the public records in the county office of record for said county; the lands hereinabove referred to being situate in the County of -----,

State of _____, and described as follows:

(Describe as described in the Request for Publication, in conformity with requirements of section 7 (a) of act of August 13, 1954 (68 Stat. 703; see 43 CFR 186.9).)

3. Based upon the undersigned's said examination of said instruments, there is set forth below the name of each person** disclosed by said instruments to have an interest in said lands under any unpatented mining claim located prior to the enactment of the act of August 13, 1954 (68 Stat. 708), together with the address of such person if disclosed by such instruments of record:

Name of person

Address
(If so disclosed)
(If not so disclosed—
write "Not Disclosed")

In witness whereof, this Certificate is executed this _____ day of _____ 19__

(If corporation)

(Corporate name)

By _____
(Designate below signature office of person signing for corporation)

Address _____
(If individual)

(Name)

Address _____

NOTE: Affix corporate seal if corporation executes.

Form No. 4 (see § 186.12)

NOTICE OF *APPLICATION, *OFFER, *PERMIT, *LEASE

Published pursuant to section 7 of act of August 13, 1954 (68 Stat. 708)

To whomever it may concern:

Notice is hereby given in pursuance of a proper Request for Publication heretofore filed in accordance with section 7 of the act of August 13, 1954 (68 Stat. 708) and the regulations thereunder (43 CFR 136.8):

#1. That on _____
(Date)

----- whose
(Name of Applicant or offerer)
address is _____ filed in the Land Office of the Bureau of Land Management, Department of the Interior, at

*Use appropriate term.

**If none, write "None."

#Use appropriate paragraph No. 1.

----- an *Application, *offer
(Place)

for ----- *Prospecting permit.
(Kind)

*lease under and pursuant to the mineral leasing laws as defined in section 11 of the act of August 13, 1954 (68 Stat. 708) (designated in said Land Office as Serial -----); and

#1. That on _____ there
(Date)

was issued by the United States of America under and pursuant to the mineral leasing laws as defined in section 11 of the act of August 13, 1954 (68 Stat. 708), *a, *an

(Kind)

*lease to -----
(Name of original permittee or lessee)
as *Permittee, *lessee and that -----
(Name)

whose address is ----- is the present *Permittee, *lessee under said *Permit, *lease as to the lands described in section 2 of this notice, bearing Serial No. -----, as shown by the records of the Bureau of Land Management, Department of the Interior; and

2. That said *application, *offer, *permit, *lease, covers lands in the County of -----, State of -----, described as follows, to-wit: Township -----, Range, -----, Meridian.

(Describe in conformity with requirements of section 7 (a) of act of August 13, 1954 (68 Stat. 708; see 43 CFR 186.9).)

3. That if any person claiming or asserting under, or by virtue of, any unpatented mining claim located prior to enactment of the act of August 13, 1954 (68 Stat. 708), any right or interest in Leasing Act minerals (as defined in Section 11 of said Act of August 13, 1954) as to the above-described lands or any part thereof, shall fail to file in the Land Office of the Bureau of Land Management at -----, and within 150 days from the below-stated date of first publication of this Notice, a verified statement which shall set forth as to such mining claim:

(1) The date of location;

(2) The book and page of recordation of the notice or certificate of location;

(3) The section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument;

(4) Whether such claimant is a locator or purchaser under such location; and

(5) The name and address of such claimant and names and addresses so far as known

to the claimant or any other person or persons claiming any interest or interests in or under such unpatented mining claim; such failure shall be conclusively deemed (1) to constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and (11) to constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation of Leasing Act minerals specified in section 4 of said Act of August 13, 1954, and (111) to preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act minerals by reason of such mining claim.

The date of first publication of this Notice shall be _____, 195____

Dated _____

(Manager)

(Land Office, Bureau of
Land Management, De-
partment of the Inter-
ior)

First publication: _____

(Date)

Form No. 5 (see §§ 186.8; 186.16)

Not to be filled in by mining claimant.

Application _____
Offer _____
Prospecting Permit _____
Lease _____
Serial No. _____
Verified Statement of Mining Claimant
Pursuant to section 7 of the act of
August 13, 1954 (68 Stat. 708)

Pursuant to the provisions of section 7 of the act of August 13, 1954 (68 Stat. 708), and to the applicable regulations thereunder (43 CFR 186.8; 186.16) the undersigned respectfully state(s) and represent(s):

1. Under and by virtue of the hereinafter mentioned mining claim(s) located prior to enactment of the act of August 13, 1954 (68 Stat. 708) the undersigned _____, whose address is _____, claims rights in Leasing Act minerals as defined in said act.

2. Said mining claim(s) is/are situate in the County of _____, State of _____, and are identified as follows:

Name of mining claim	Date of location	Notice or certificate of location recorded	
		Book	Page

#3. Said mining claim(s) is/are embraced in the following section(s) of the public land surveys, namely: Township _____, Range _____, Meridian Section(s): _____

#3. Said mining claim(s) will probably be embraced in the following section(s) when the public land surveys are extended to the lands covered by said mining claim(s), namely: Township _____, Range _____, Meridian Section(s): _____

NOTE: In lieu of #3, the mining claim may be described by a tie by courses and distances to an approved United States mineral monument.

4. The undersigned is a locator or purchaser under said mining claim(s) as follows, to wit:

Name of claim	Claimant's interest
(Insert opposite the name of each claim the word "locator" or the word "purchaser," to show the nature of the mining claimant's interest.)	

5. The names and addresses, so far as known to the undersigned claimant, of any other person or persons claiming any interest or interests in or under the above-named unpatented mining claim(s) are as follows:

(Set forth name and address of each other claimant, so far as known to mining claimant filing above statement, and identify which of the above-named mining claim(s) each such other claimant is interested in.)

6. This verified statement of the undersigned mining claimant is being filed in accordance with the provisions of section 7 of said act and pursuant to a "Notice of *Application, *offer, *permit, *lease," published as to "_____ " *Application,

(Kind)

*offer, *permit, *lease, Serial _____ and (Number)

within one hundred and fifty (150) days from the first publication of said Notice.

Dated _____

(Mining claimant)

*Use appropriate term.

Use this paragraph 3 where public land surveys have been extended to the lands on which the mining claim(s) are situated.

Use this paragraph 3 where public land surveys have not been extended to the lands on which the mining claims are situated. Or as an alternate, give as to each mining claim a tie by courses and distances from the location or discovery monument or a specified corner of the mining claim, to an approved United States Mineral Monument identified by its official survey number.

VERIFICATION

(Where mining claimant is an individual)

State of _____

County of _____, ss:

_____, being

(Name of mining claimant)

duly sworn, deposes and says that (s)he is the mining claimant who executed the foregoing Statement of Mining Claimant; that (s)he has read the said foregoing verified statement and knows the content thereof; and that the same is true of his/her own knowledge.

Subscribed and sworn to before me this _____ day of _____, 19 ____.

(Notary Public in and for
the State of _____
County of _____)

My commission expires: _____

VERIFICATION

(Where mining claimant is a corporation)

State of _____

County of _____, ss:

_____, being

duly sworn, deposes and says that (s)he is an officer, to-wit, _____, of

_____, the corporation,

(Name of corporation)

named in and whose name is subscribed to the foregoing Verified Statement of Mining Claimant, and makes this verification for and on behalf of said corporation; that (s)he has read the foregoing Verified Statement of Mining Claimant and that the same is true of his/her own knowledge.

(Notary Public in and for
the State of _____
County of _____)

My commission expires: _____

Form No. 6

REQUEST OF MINING CLAIMANT FOR COPY OF
NOTICE OF APPLICATION, OFFER, PERMIT OR
LEASE PURSUANT TO THE ACT OF AUGUST 13,
1954 (68 STAT. 708), 43 CFR 186.21

Pursuant to the provisions of section 7 (d) of the act of August 13, 1954 (68 Stat. 708) and to the applicable regulations thereunder (43 CFR 186.21), the undersigned hereby requests a copy of any notice of any Leasing Act application, offer, permit or lease which may be published by the Secretary of the Interior of the United States or his designated representative, as provided in subsection (a) of section 7 of said act, affecting any of the lands hereinafter described and in that con-

nection respectfully state(s) and represent(s):

1. Under and by virtue of the hereinafter-mentioned mining claim(s) located prior to enactment of the Act of August 13, 1954 (68 Stat. 708), the undersigned _____

(Name)

whose address is _____ claims rights in Leasing Act minerals as defined in said act.

2. Said mining claim(s) is/are situate in the County of _____, State of _____, and are identified as follows:

Name of mining claim	Date of location	Notice or certificate of location recorded	
		Book	Page

3. Said mining claim(s) is/are embraced in the following section(s) of the public land surveys, namely: Township _____, Range _____, Meridian _____ Sections: _____; or

4. Said mining claim(s) will probably be embraced in the following section(s) when the public land surveys are extended to the lands covered by said mining claim(s), namely: Township _____, Range _____ Meridian Section(s): _____.

NOTE: In lieu of paragraph 4, the mining claim may be described by a tie by courses and distances to an approved United States mineral monument.

5. The undersigned is a locator or purchaser under said mining claim(s) as follows, to-wit:

Name of claim

Claimant's interest

(Insert opposite the name of each claim the word "locator" or the word "purchaser", to show the nature of the mining claimant's interest.)

6. The names and addresses, so far as known to the undersigned claimant, of any other person or persons claiming any interest or interests in or under the above-named unpatented mining claim(s) are as follows:

(Set forth names and address of each other claimant, so far as known to mining claimant filing above statement, and identify which of the above-named mining claim(s) each such other claimant is interested in.)